

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 19-cr-142-LM

Nathan Crague

THIRD PRETRIAL ORDER

1. Date of Trial: Jury selection will take place on **June 7, 2021**, with trial beginning the following day on **June 8, 2021**.
2. Estimated Length of Trial: 3-5 days.
3. Case Summary: On or before **April 20, 2021**, the parties shall submit a joint, brief statement describing the case that the court will read to the jury during jury selection.
4. Deadline for Filing Motions on all anticipated evidentiary and legal disputes: Motions raising such issues shall be filed on or before **April 20, 2021**; responses to said motions shall be filed on or before **May 4, 2021**.
5. Motions: To the extent there exists disputed legal issues on the eve of trial, the court will entertain these matters at a video status conference on **June 3, 2021**, at **10:00 a.m.** In the event the dispute requires detailed legal research, any written memoranda shall be filed on or before **June 1, 2021 (by 5:00 p.m.)**, and responses shall be filed by **June 2, 2021 (by 5:00 p.m.)**.
6. Voir Dire:

Questionnaire will be sent to the jurors by	May 14, 2021
Deadline for jurors to respond	May 19, 2021
Answers will be provided to counsel	May 24, 2021

*Hearing on joint cause challenges	June 2, 2021 at 10:00 a.m.
Video conference to finalize voir dire questions given to jurors orally on date of jury selection	June 3, 2021 at 10:00 a.m.

7. Jury Selection: See [Fed. R. Crim. P. 23, 24](#).

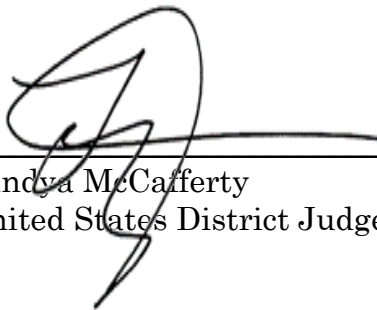
There will be a total of **eight** peremptory challenges for the United States and a total of **twelve** peremptory challenges for the defendant. Twelve jurors and four alternates (resulting in one additional peremptory challenges for each side above those provided by [Fed. R. Crim P. 24\(c\)\(4\)\(A\)](#)) will be seated. Alternates will be retained through deliberation.

8. Exhibits and Exhibit Lists: One thumb drive and one paper copy of the exhibits are to be premarked and submitted to the Clerk's Office not later than **May 28, 2021**, in accordance with the document entitled "Procedure For Marking Exhibits" which is attached hereto and made a part hereof. Any objections to exhibits shall be set forth briefly in writing and filed with the exhibits. Counsel shall notify each other at the time the exhibits are submitted if any custodian will be required for any exhibit.
9. Electronic Evidence: JERS shall be used in this case. The parties are directed to the United States District Court's policy regarding electronic evidence which applies in this case. See Presenting Electronic Evidence to Deliberating Petit Jurors located at <http://www.nhd.uscourts.gov/jury-evidence-recording-system-jers>. JERS exhibits are due to the Clerk's Office on a thumb drive not later than **May 28, 2021**. Note that the JERS thumb drive is different from the thumb drive referred to in paragraph 8 (trial exhibits). Follow the instructions that apply to JERS exhibits.
10. "Will-Call" Witness List: The parties shall exchange and file a list of witnesses they intend to call at trial at the time they pre-mark and submit exhibits. The parties will be bound by the witnesses disclosed in this list absent extraordinary circumstances.
11. Public Access: Public access to the trial will be via an "overflow courtroom." The court will issue an order prior to trial addressing the legal issues concerning public access.

*To the extent defendant wants this hearing to occur in-person, rather than via video, he shall notify the court in advance so that the court can make the necessary arrangements.

12. Reserved Seating in the Courtroom: Unless the court further limits the numbers permitted in the courtroom due to the spread of Covid-19, each side will have three (3) reserved seats in the public gallery of the courtroom. The general public will have two (2) additional seats that will be assigned on a “first come, first serve” basis.
13. Efficient Use of Jury Time: To the extent possible, counsel shall anticipate and notify the court of any evidentiary disputes that can be discussed outside the presence of the jury. The court intends to utilize jury time in the most efficient manner possible. **This is especially true during this pandemic.** The court will give counsel an opportunity to alert the court at each break at the beginning and end of each day of trial. The court will meet with counsel at least one-half hour before the trial is scheduled to begin each day of trial. The court will be flexible about scheduling hearings via video to resolve disputes in advance of the trial. Trial will begin every day at 9:00 a.m. and end each day by 4:00 p.m.
14. Confirm Date and Time of Jury Selection: In order to utilize the court’s resources to the fullest extent and keep counsel informed as to their status on the trial list, counsel are directed to call Courtroom Deputy Donna Esposito at 225-1623 to confirm the date and time of jury selection.

SO ORDERED.



Landya McCafferty
United States District Judge

Date: April 8, 2021

cc: Counsel of Record
U.S. Probation
U.S. Marshal